

REMARKS/ARGUMENTS

Claims 1-15 are currently pending in this application. In the Action, it was indicated that claims 10 and 11 would be allowable if rewritten in independent form to include all the limitations of their base claim and any intervening claims.

Claims 1-7, 9 and 12-15 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,826,750 (Johnson). Applicant respectfully traverses this rejection.

Johnson discloses multiple embodiments of a water gun (10), each including a storage tank (18), a pressure tank (19), a control valve (39) and a pump (32). The pump (32) alternately draws air from an air inlet (49) and water from the storage tank (18) through the control valve (39) into the pressure tank (19). When the air pressure tank (19) is pressurized to a level less than a predetermined critical pressure, the valve (39) is biased by a spring (50) to a position in which ambient air is permitted to be drawn by the pump (32) through the air inlet (49) into the pressure tank (19). When the predetermined critical pressure is reached in the pressure tank (19), pressure exerted on a piston head (45, 84) overcomes the force of the spring (50) to move the valve (39) into a position in which ambient air is not permitted to enter the valve (39), thereby allowing water to be drawn from the storage tank (18) into the pressure tank (19) by the pump (32). See Figures 1-5.

Independent claim 1 recites a toy water gun, comprising, inter alia, a water pump for pumping water from a supply tank to a water pressure chamber. The water pressure chamber includes a moveable wall which substantially sealingly engages a fixed wall. The moveable wall is slidable away from a first end wall as water is pumped into the water pressure chamber and toward the first end wall as water is discharged, defining a variable volume water chamber. An air pressure chamber is located on an opposite side of the moveable wall from the water pressure chamber and is pressurizable with compressed air to bias the moveable wall toward the first end wall. An air pump is connected to the air pressure chamber for pressurizing the air pressure chamber with a user desired air pressure. As recited in claim 2, this can be augmented through the use of a spring which acts on a moveable wall, in addition to the air pressure. A release valve is in fluid communication with the water pressure chamber so that actuation of the release valve allows a stream of water to be ejected from the nozzle due at least in part to the compressed air acting on the moveable wall.

Independent claim 12 recites a toy water gun comprising, inter alia, a water pump for pumping water from a supply tank to a water pressure chamber. The water pressure chamber has a wall that is at least one of moveable and flexible. An air pressure chamber is located on an opposite side of the at least one of moveable and flexible wall from the water pressure chamber and is pressurizable with

compressed air to apply an external force on the moveable and/or flexible wall. An air pressure source is connected to the air pressure chamber for pressurizing the air pressure chamber with a user desired air pressure, and a release valve is in fluid communication with the water pressure chamber so that actuation of the release valve allows a stream of water to be ejected from a nozzle due at least in part to the external force applied on the moveable and/or flexible wall.

Firstly, Applicant respectfully submits that Johnson fail to suggest or disclose a water pump *and* an air pump, as recited in independent claim 1. Johnson discloses a single pump (32) which will pump either water or air depending on the position of the control valve (39). Further, Johnson fails to suggest or disclose a water pressure chamber including a moveable wall which substantially sealingly engages a fixed wall and is slidable away from an end wall as water is pumped into the water pressure chamber and toward the end wall as water is discharged. Additionally, there is not suggestion or disclosure of a separate air pressure chamber located on an opposite side of the moveable wall from the water pressure chamber, with the air pressure chamber being pressurizable with compressed air to bias the moveable wall toward the first end wall, as recited in claim 1. The pressure tank (19) disclosed by Johnson includes no movable wall, and there is clearly no separate air pressure chamber on an opposite side of a moveable wall from a water pressure chamber.

Johnson further fails to suggest or disclose a water pressure chamber having a wall that is at least one of moveable and flexible, as recited in claim 12. There is no suggestion of an air pressure chamber located on an opposite side of the moveable and/or flexible wall, or of such air chamber being pressurizable with compressed air to apply an external force on the moveable or flexible wall.

In the Action, it is indicated that Johnson discloses that:

an air pressure chamber (74, fig. 2) is located on an opposite side of the movable wall (45) from the water pressure chamber (19) and being pressurizable with compressed air to bias the moveable wall (45) toward the first end wall (bottom end below 50 in fig 1). Office Action, page 3

Applicant respectfully disagrees with this statement of what is disclosed by Johnson. Applicant also respectfully disagrees with the logic applied in forming the rejection of independent claims 1 and 12. The piston head (45) in each of the embodiments disclosed by Johnson separates a *vented* chamber from a water/air fluid passage (65), which is positioned on an opposite side of the piston head (45) from the vented chamber. See column 2, lines 45-58, and the three embodiments shown in Figures 1-6. The above quoted statement from the Action appears to give an unconventional and counter-intuitive meaning to the phrase "opposite side of the movable wall". The manifold (74, Fig. 2) is clearly not on an opposite side of the piston head (45) from the pressure chamber (19). Accordingly, Johnson also fails to suggest or disclose a release valve in fluid communication with the water pressure

Applicant: Jeffrey Zimmerman
Application No.: 10/679,809

chamber so that actuation of the release valve allows a stream of water to be ejected from a nozzle due at least in part to compressed air acting on a moveable (or flexible) wall, as recited in claims 1 and 12. Johnson discloses only compressed air acting *directly* on water in a single pressure chamber (19), which contains both water and compressed air, to eject water through a delivery tube (65).

In view of the above, Applicant respectfully submits that claims 1 and 12 are patentable over Johnson. Claims 2-11 and 13-15 depend from one of claims 1 and 12 and are therefore also patentable over Johnson.

Additionally, with respect to claims 2 and 13, there is no suggestion or disclosure by Johnson of a spring acting on a movable wall of the type in which an air pressure chamber is located on an opposite side of the moveable wall from a water pressure chamber. The spring (50) disclosed by Johnson merely biases a control valve (39) in a venting position, as described above.

Additionally, with respect to claim 4, Johnson fails to suggest or disclose a float valve located in a water supply tank that closes an outlet of the water supply tank when the tank is substantially empty. The valve (60) disclosed by Johnson is a spring-loaded check valve, not a float valve as asserted in the Action, and the valve (60) contains no floating components.

Moreover, with respect to claim 9, Johnson fails to suggest or disclose a movable wall slidable within a tubular wall, and with respect to claim 14, Johnson

Applicant: Jeffrey Zimmerman
Application No.: 10/679,809

fails to suggest or disclose a flexible bladder.

Accordingly, Applicant respectfully requests withdrawal of the Section 102 rejection in view of Johnson.

Claim 8 was rejected under 35 USC §103(a) as unpatentable over Johnson in view of U.S. Patent No. 6,892,902 (Hornsby et al.). Applicant respectfully traverses this rejection.

Claim 8 depends from claim 1 and is patentable over Johnson for the reasons stated above. Hornsby et al. fail to remedy the deficiencies in Johnson, noted above. Specifically, Hornsby et al. fail to suggest or disclose a water pump and an air pump. Hornsby et al. also fail to suggest or disclose an air pressure chamber located on an opposite side of a moveable wall from a water pressure chamber. Accordingly, Applicant respectfully requests withdrawal of the Section 103 rejection of claim 8.

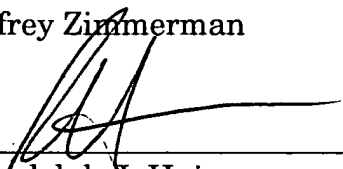
If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

Applicant: Jeffrey Zimmerman
Application No.: 10/679,809

In view of the foregoing remarks, Applicant respectfully submits that the present application, including claims 1-15, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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